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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF SAN DIEGO

10 DEEPAK MOORJANI,

11 Plaintiff,

12 v.

13 FLORADELIZA MOORJANI; GULAB
MOORJANI; JASWANT MOORJANI; SEEMA
14 MOORJANI; SUNIL MOORJANI; ZUBEIDA
MOORJANI,

15 Defendants.
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Case No. 37-2021-00033119-CU-OR-CTL

**STIPULATION AND [PROPOSED]
ORDER TO FILE FIRST AMENDED
COMPLAINT**

Dept: C-65
Judge: Hon. Ronald F. Frazier

Complaint Filed: August 4, 2021
Trial Date: Not yet set

"IMAGED FILE"

18 Plaintiff DEEPAK MOORJANI ("Plaintiff") and Defendants GULAB MOORJANI,
19 SEEMA MOORJANI, SUNIL MOORJANI, and ZUBEIDA MOORJANI (hereinafter,
20 "Defendants"), though their counsel, hereby stipulate as follows:

21 1. WHEREAS, on August 4, 2021, Plaintiff filed a Complaint to: (a) Quiet Title; (b)
22 Cancellation of Instrument; and (c) Partition and Forced Sale;

23 2. WHEREAS, the parties met and conferred regarding Defendants' intended demurrer
24 to the Complaint;

25 3. WHEREAS, Plaintiff has agreed to file a First Amended Complaint no later than
26 November 23, 2021;

27 4. WHEREAS, as a result of Plaintiff's agreement to file a First Amended Complaint,
28 the parties agree that Defendants have no obligation to respond to the Complaint.

1 5. The parties agree that the execution of this stipulation shall not constitute a waiver of
2 any party's rights, interests or remedies relating to the prosecution or defense of the above action.

3 6. The parties agree that the execution of this stipulation shall not be construed as an
4 admission of liability on the part of Defendants, or any of them, as to any portions of the Complaint
5 or First Amended Complaint.

6 7. This stipulation may be executed electronically and electronic signatures may be used
7 in lieu of originals.

8 SO STIPULATED.

9
10 DATED: October 22, 2021

WRIGHT & SUPPLE LLP

11
12 By: 

Oriet Cohen-Supple
Mary Wright
Attorneys for Plaintiff Deepak Moorjani

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14
15 DATED: October 22, 2021

PROCOPIO, CORY, HARGREAVES &
SAVITCH LLP

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17
18 By: 

John D. Alessio
Zagros S. Bassirian
Attorneys for Defendants Gulab Moorjani,
Seema Moorjani, Sunil Moorjani, and
Zubeida Moorjani

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21 **ORDER**

22 Based on the stipulation of the parties, and good cause appearing, the Court issues the
23 following Order:

- 24
- 25 1. Plaintiff shall file a First Amended Complaint on or before November 23, 2021.
 - 26 2. Defendants have no obligation to respond to the current Complaint filed on August 4,
27 2021.

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3. The execution of this stipulation shall not constitute a waiver of any party's rights, interests or remedies relating to the prosecution or defense of the above action.
4. The execution of this stipulation shall not be construed as an admission of liability on the part of Defendants, or any of them, as to any portions of the Complaint or First Amended Complaint.

Dated: _____

Hon. Ronald F. Frazier, Judge of the Superior Court

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is PROCOPIO, CORY, HARGREAVES & SAVITCH LLP, 525 "B" Street, Suite 2200, San Diego, California 92101. On October 25, 2021, I served the within documents:

STIPULATION AND [PROPOSED] ORDER TO FILE FIRST AMENDED COMPLAINT

- ☐ **BY U.S. MAIL** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Diego, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.
- ☐ **BY ELECTRONIC MAIL SERVICE** based upon court order or an agreement of the parties to accept service by electronic transmission, by electronically mailing the document(s) listed above to the e-mail address(es) set forth below, or as stated on the attached service list and/or by electronically notifying the parties set forth below that the document(s) listed above can be located and downloaded from the hyperlink provided. No error was received, within a reasonable time after the transmission, nor any electronic message or other indication that the transmission was unsuccessful.
- ☒ **BY ELECTRONIC SERVICE (via One Legal Online Court Services):** I served upon the designated recipients via electronic transmission through the One Legal system on October 25, 2021. Upon completion of said transmission of said documents, a certified receipt is issued to filing party acknowledging receipt by One Legal's system. Once One Legal has served all designated recipients, proof of electronic service is returned to the filing party.

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Attorneys for Plaintiff Deepak Moorjani

- ☒ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on October 25, 2021, at San Diego, California.


Melissa Avitia Turpin